

Remarks:

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1-3, 5-27, and 29-34 are pending in the application. No claims have been allowed. Claims 1, 19, 20, 21, 22, 23, 24, 27, 29, 30, and 34 are independent. Claims 1, 5, 19, 20, 21, 22, 24, 27, 29, and 30 have been amended. Claims 4 and 28 have been canceled without disclaimer and without prejudice to pursuing in a continuing application.

Amendment to the Specification

Applicant has amended one paragraph of the specification to fix a typographical error. No new matter is added thereby.

Cited Art

The Action cites U.S. Patent No. 6,628,934 to Rosenberg et al. ("Rosenberg"), U.S. Patent Application No. 2004/0066920 to Wanderingmeijden ("Wanderingmeijden"), and U.S. Patent Application No. 2001/0011028 to Wendelrup ("Wendelrup").

§ 102 Rejections

The Action rejects claims 1-6, 8-16, 18-29, and 34 under 35 U.S.C. § 102(c) as being anticipated by Rosenberg. Applicant respectfully submits that the claims in their present form are allowable over the cited art. To establish a *prima facie* case of anticipation, the cited art must show each and every element as set forth in a claim. MPEP § 2131.01.

Claims 1 and 19

Claim 1 has been amended to recite, "wherein the electronic user interface comprises a user interface presented by the mobile wireless device". Amended claim 1 reads as follows (emphasis added):

One or more computer-readable media comprising computer-executable instructions for performing the following to achieve automated provisioning for a mobile wireless device in a wireless communications network support system:
receiving an indication of one or more subscriber-desired services,
wherein the subscriber-desired services are selected by the subscriber via an electronic user interface, *wherein the electronic user interface comprises a user interface presented by the mobile wireless device*;

Claim 19 has been amended in part to recite, “wherein the electronic user interface comprises a user interface presented by the mobile wireless device”. Amended claim 19 reads as follows (emphasis added):

A method of automated provisioning for a mobile wireless device in a wireless communications network support system, the method comprising:
receiving an indication of one or more subscriber-desired services,
wherein the subscriber-desired services are selected by the subscriber via an electronic user interface, *wherein the electronic user interface comprises a user interface presented by the mobile wireless device*;

Support for the amendments to claims 1 and 19 can be found, for example, in the Application at page 9, lines 14-29, Fig. 1, and original claim 4.

Rosenberg's description of provisioning wireless services using an activation web site does not teach or suggest "receiving an indication of one or more subscriber-desired services, wherein the subscriber-desired services are selected by the subscriber via an electronic user interface, wherein the electronic user interface comprises a user interface presented by the mobile wireless device" as recited by claims 1 and 19. Rosenberg describes that a user accesses an activation web site in order to activate wireless services. Rosenberg col. 9, lines 3-7 and Fig. 4. Rosenberg describes that the user selects a wireless service plan and enters various information, such as personal and financial information, at the activation web site. Rosenberg col. 9, lines 8-38. Rosenberg further describes that in order to complete the activation, an “activation code” is posted on the activation web site for the user. Rosenberg col. 10, lines 11-18. Rosenberg then describes that when the user receives the activation code, the user enters the activation code into the wireless device in order to access the wireless services. Rosenberg col. 10, lines 18-34.

As Rosenberg clearly describes in Fig. 4 and the associated description, the user (element 47 in Fig. 4) is not accessing the activation web site (48) using the wireless device to be activated (49), but rather using something else (e.g., a personal computer, as depicted in element 47 in Fig. 4). It is only when the user goes to the wireless device (49) and enters the activation code (that the user obtained from the activation web site), and the activation code is decoded by the activation module (57) of the wireless device, that the wireless device (49) is able to access wireless services. Rosenberg also describes this process at col. 11, lines 31-41 (see Fig. 5, elements 67 and 68).

Unlike Rosenberg, the “automated provisioning” of claims 1 and 19 is accomplished by “receiving an indication of one or more subscriber-desired services, wherein the subscriber-

desired services are selected by the subscriber via an electronic user interface, *wherein the electronic user interface comprises a user interface presented by the mobile wireless device.*"

Rosenberg does not teach or suggest the quoted language of claims 1 and 19 because the user interface used by Rosenberg to select services (the activation web site) is not accessed from the wireless device to be activated, but rather from somewhere else.

For at least these reasons, Rosenberg, does not teach or suggest all limitations of claims 1 and 19, respectively. Therefore, claims 1 and 19 should be allowable.

Claims 20 and 21

Claim 20 has been amended in part to recite, "wherein the indications of the one or more subscriber-desired services are received by the server computer system from the mobile wireless device". Amended claim 20 reads as follows (emphasis added):

An automated activation and provisioning server computer system for achieving automated activation and provisioning for a mobile wireless device in a wireless communications network support system, the server computer system comprising:

a translation engine operable to translate indications of one or more subscriber-desired services into associated provisioning directives, wherein the indications of the one or more subscriber-desired services are received by the server computer system from the mobile wireless device;

Amended claim 21 reads as follows (emphasis added):

An automated activation and provisioning system for achieving automated activation and provisioning for a mobile wireless device in a wireless communications network support system, the system comprising:

...
means for receiving communications from the mobile wireless device whereby a subscriber can select desired services via a user interface of the mobile wireless device;

Support for the amendments to claims 20 and 21 can be found, for example, in the Application at page 9, lines 14-29 and Fig. 1.

Rosenberg's description of provisioning wireless services using an activation web site does not teach or suggest "achieving automated activation and provisioning for a mobile wireless device ... wherein the indications of the one or more subscriber-desired services are received by the server computer system from the mobile wireless device" as recited by claim 20 or "achieving automated activation and provisioning for a mobile wireless device ... whereby a subscriber can select desired services via a user interface of the mobile wireless device" as

recited by claim 21. As discussed above with regard to claims 1 an 19, Rosenberg describes accessing an activation web site using something other than the wireless device to be activated (or by having customer service access the activation web site) to enter information and select services, and then entering an activation code provided by the activation web site at the wireless device in order to activate the wireless device and allow it to access wireless services. Rosenberg col. 9, line 3 to col. 10, line 65. Because Rosenberg describes using something other than the wireless device to be activated to select services, Rosenberg does not teach or suggest “achieving automated activation and provisioning for a mobile wireless device ... wherein the indications of the one or more subscriber-desired services are received by the server computer system from the mobile wireless device” as recited by claim 20 or “achieving automated activation and provisioning for a mobile wireless device ... whereby a subscriber can select desired services via a user interface of the mobile wireless device” as recited by claim 21.

For at least these reasons, Rosenberg, does not teach or suggest all limitations of claims 20 and 21, respectively. Therefore, claims 20 and 21 should be allowable.

Claims 22, 23, and 27

Claim 22 has been amended in part to recite, “receiving from a user of the unactivated mobile wireless device via a user interface presented by the unactivated mobile wireless device an indication of services desired by the user”. Amended claim 22 reads as follows (emphasis added):

One or more computer-readable media comprising instructions for performing the following to activate an unactivated mobile wireless device:
receiving from a user of the unactivated mobile wireless device *via a user interface presented by the unactivated mobile wireless device* an indication of services desired by the user;

Claim 23 reads as follows (emphasis added):

A method of activating an unactivated mobile wireless device, the method comprising:
establishing a connection between the unactivated mobile wireless device and a user interface generator operable to *receive from the unactivated mobile wireless device an indication of services desired*;

Claim 27 has been amended in part to recite, “accepting input from a user of the unactivated mobile wireless device, via an electronic user interface presented by the unactivated

mobile wireless device, specifying one or more selected service options related to activation.”

Amended claim 27 reads as follows (emphasis added):

In an unactivated mobile wireless device, a method of connecting to a server computer to activate the unactivated mobile wireless device, the method comprising:

...
accepting input from a user of the unactivated mobile wireless device, *via an electronic user interface presented by the unactivated mobile wireless device*, specifying one or more selected service options related to activation;

Support for the amendments to claims 22, 23, and 27 can be found, for example, in the Application at page 9, lines 14-29, Fig. 1, and original claim 4.

Rosenberg’s description of provisioning wireless services using an activation web site does not teach or suggest “receiving from a user of the unactivated mobile wireless device via a user interface presented by the unactivated mobile wireless device an indication of services desired by the user” as recited by claim 22, “establishing a connection between the unactivated mobile wireless device and a user interface generator operable to receive from the unactivated mobile wireless device an indication of services desired” as recited by claim 23, or “accepting input from a user of the unactivated mobile wireless device, via an electronic user interface presented by the unactivated mobile wireless device, specifying one or more selected service options related to activation” as recited by claim 27. As discussed above with regard to claims 1 and 19, Rosenberg describes accessing an activation web site using something other than the wireless device to be activated (or by having customer service access the activation web site) to enter information and select services, and then entering an activation code provided by the activation web site at the wireless device in order to activate the wireless device and allow it to access wireless services. Rosenberg col. 9, line 3 to col. 10, line 65. Because Rosenberg describes using something other than the wireless device to be activated to select services, Rosenberg does not teach or suggest the above-cited language of claims 22, 23, and 27 respectively.

For at least these reasons, Rosenberg, does not teach or suggest all limitations of claims 22, 23, and 27, respectively. Therefore, claims 22, 23, and 27 should be allowable.

Claims 24 and 34

Amended claim 24 reads as follows (emphasis added):

A method of distributing a mobile wireless device, the method comprising:

placing indicia of information for activating the mobile wireless device with a distribution package comprising the mobile wireless device; and
upon receipt of the indicia in an automated system, activating the mobile wireless device;

wherein receipt of the indicia can be achieved via a web browser interface or *via a user interface of the mobile wireless device*.

Claim 34 reads as follows (emphasis added):

An unactivated mobile wireless device kit comprising:
an unactivated mobile wireless device; and
indicia of data operable for activating the device *via the device itself* when the data is provided to an activation server via the device and operable for activating the device via a wired web session when the data is provided to the activation server via the wired web session.

Rosenberg's description of provisioning wireless services using an activation web site does not teach or suggest "upon receipt of the indicia in an automated system, activating the mobile wireless device; wherein receipt of the indicia can be achieved ... via a user interface of the mobile wireless device" as recited by claim 24 or "indicia of data operable for activating the device via the device itself when the data is provided to an activation server via the device" as recited by claim 34. As discussed above with regard to claims 1 an 19, Rosenberg describes accessing an activation web site using something other than the wireless device to be activated (or by having customer service access the activation web site) to enter information (such as the equipment identifier of the wireless device) and select services, and then entering an activation code provided by the activation web site at the wireless device in order to activate the wireless device and allow it to access wireless services. Rosenberg col. 9, line 3 to col. 10, line 65. Because Rosenberg describes providing activation information, such as "the equipment identifier (EID) of the wireless modem in the wireless device," using something other than the wireless device to be activated, Rosenberg does not teach or suggest "upon receipt of the indicia in an automated system, activating the mobile wireless device; wherein receipt of the indicia can be achieved ... via a user interface of the mobile wireless device" as recited by claim 24 or "indicia of data operable for activating the device via the device itself when the data is provided to an activation server via the device" as recited by claim 34.

For at least these reasons, Rosenberg, does not teach or suggest all limitations of claims 24 and 34, respectively. Therefore, claims 24 and 34 should be allowable.

Claim 29

Amended claim 29 reads as follows (emphasis added):

A method of receiving activation directives to activate a mobile wireless device in an automatic activation system, the method comprising:

in the system, receiving at least one directive originating from actions by a user of the mobile wireless device via the mobile wireless device;

Support for the amendment to claim 29 can be found, for example, in the Application at page 9, lines 14-29 and Fig. 1.

Rosenberg's description of provisioning wireless services using an activation web site does not teach or suggest "receiving at least one directive originating from actions by a user of the mobile wireless device via the mobile wireless device" as recited by claim 29. As discussed above with regard to claims 1 an 19, Rosenberg describes accessing an activation web site using something other than the wireless device to be activated (or by having customer service access the activation web site) to enter information and select services, and then entering an activation code provided by the activation web site at the wireless device in order to activate the wireless device and allow it to access wireless services. Rosenberg col. 9, line 3 to col. 10, line 65. Because Rosenberg only describes registering the wireless device with wireless application servers due to actions by the user using something other than the wireless device to be activated, Rosenberg does not teach or suggest "receiving at least one directive originating from actions by a user of the mobile wireless device via the mobile wireless device" as recited by claim 29.

For at least these reasons, Rosenberg, does not teach or suggest all limitations of claim 29. Therefore, claim 29 should be allowable.

Dependent claims 2, 3, 5, 6, 8-16, 18, 25, and 26

Claims 2, 3, 5, 6, 8-16, and 18 depend on claim 1. Thus, for at least the reasons set forth above with regard to claim 1, claims 2, 3, 5, 6, 8-16, and 18 should be in condition for allowance. Applicant will not belabor the merits of the separate patentability of claims 2, 3, 5, 6, 8-16, and 18.

Claims 25 and 26 depend on claim 24. Thus, for at least the reasons set forth above with regard to claim 24, claims 25 and 26 should be in condition for allowance. Applicant will not belabor the merits of the separate patentability of claims 25 and 26.

§ 103 Rejections

The Action rejected claim 7 under 35 U.S.C. § 103(a) as unpatentable over Rosenberg in view of Wandermeijden, and rejected claims 17 and 30-33 under 35 U.S.C. § 103(a) as unpatentable over Rosenberg in view of Wendelrup. Applicant respectfully submits the claims in their present form are allowable over the cited art.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2142. Motivations to combine or modify references must come from the references themselves or be within the body of knowledge in the art. MPEP § 2143.01.

Claim 30

Amended claim 30 reads as follows (emphasis added):

A method of receiving activation directives in an automatic activation system, the method comprising:

presenting a series of user interfaces at a wireless mobile device to receive user selections for completing activation of the wireless mobile device; and receiving user selections via the user interfaces at the wireless mobile device;

wherein the user interfaces comprise a user interface for selecting voice services.

Support for the amendments to claim 30 can be found, for example, in the Application at page 9, lines 14-29 and Fig. 1.

Rosenberg's description of provisioning wireless services using an activation web site does not teach or suggest "presenting a series of user interfaces at a wireless mobile device to receive user selections for completing activation of the wireless mobile device; and receiving user selections via the user interfaces at the wireless mobile device; wherein the user interfaces comprise a user interface for selecting voice services" as recited by claim 30. As discussed above with regard to claims 1 an 19, Rosenberg describes accessing an activation web site using something other than the wireless device to be activated (or by having customer service access the activation web site) to enter information and select services, and then entering an activation code provided by the activation web site at the wireless device in order to activate the wireless device and allow it to access wireless services. Rosenberg col. 9, line 3 to col. 10, line 65.

Because Rosenberg only describes receiving user selection of services, such as a calling plan, using something other than the wireless device to be activated, Rosenberg does not teach or suggest “presenting a series of user interfaces at a wireless mobile device to receive user selections for completing activation of the wireless mobile device; and receiving user selections via the user interfaces at the wireless mobile device; wherein the user interfaces comprise a user interface for selecting voice services” as recited by claim 30.

Wendelrup, even if it could be combined with Rosenberg, does not provide any description of activation of a wireless mobile device. Instead, Wendelrup describes a device for receiving voice input, comparing the voice input to a stored library of voice signals, for performing functions of the device, such as voice activated dialing. Wendelrup, paragraph 0007. Furthermore, Wendelrup has no description of presenting a “user interface.” Therefore, Wendelrup does not teach or suggest “presenting a series of user interfaces at a wireless mobile device to receive user selections *for completing activation of the wireless mobile device*; and receiving user selections via the user interfaces at the wireless mobile device; wherein the user interfaces comprise a user interface for selecting voice services” as recited by claim 30.

For at least these reasons, Rosenberg, separately or in combination with Wendelrup, does not teach or suggest all limitations of claim 30. Therefore, claim 30 should be allowable.

Dependent claims 7, 17, and 31-33

Claims 7 and 17 depend on claim 1. Thus, for at least the reasons set forth above with regard to claim 1, claims 7 and 17 should be in condition for allowance. Applicant will not belabor the merits of the separate patentability of claims 7 and 17.

Claims 31-33 depend on claim 30. Thus, for at least the reasons set forth above with regard to claim 30, claims 31-33 should be in condition for allowance. Applicant will not belabor the merits of the separate patentability of claims 31-33.

Request for Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Conclusion

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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